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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,244	09/26/2001	Mark Alan Schultz	PU010200	8587

7590 07/25/2005

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EXAMINER

HINDI, NABIL Z

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,244

Applicant(s)

SCHULTZ ET AL.

Examiner

NABIL Z. HINDI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6, 9, 10, 12-18, 21 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

In response to applicant's amendment dated July 08, 2005. The following action is taken:

Claims 9 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear of how and area on a disk could be verified for errors when the area is being skipped?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 10, 12-18 and 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohara et al (6097683).

The following rejection is made using the same reference in the previous office action mailed May 13, 2004. The independent claims 1 and 12 merely read on data verification step, wherein previously or old data on a disk is read to determine if an error is present and if so, a correction step is taken. Thus the claims merely read on data verification process. The reference shows the use of an optical disk wherein previously

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recorded data is verified for errors and if the errors exist, then data is recorded on another area of the disk (see column 1 lines 18-41).

With respect to the limitation of claim 3-see column 11 lines 15-20.

With respect to the limitations of claims 4 and 16-see column 11 lines 23 and 24.

With respect to the limitations of claims 5 and 17-see column 11 lines 30-35.

With respect to the limitations of claims 6 and 18-see column 11 lines 40 and 41.

With respect to the limitation of claims 10. The use of front end or back end is merely a processor as shown in fig 11.

With respect to the limitation of claim 13. The reference is drawn to an optical disk recording apparatus.

With respect to the limitations of claims 13 and 14. The use of front end and back end processors are well established in the art as shown in figs 1 and 11.

With respect to the limitations of claims 23 and 24. The reference shows the re-recording of data onto another area of the disk as cited in column 11 line 38.

With respect to the limitations of claims 25-28. The use of "test data" is merely any data. The reference shows the use of verifying the previously written data on the disk as cited in column 11 lines 15-20.


Claims 7, 8, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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None of the cited prior art discloses the decreasing of the data spine operation every time the data is selectively read for verification.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 5363361 (fig 6).

Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.


NABIL HINDI
ISSUING EXAMINER
Art Unit 2655